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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,944	02/12/2002	Edward M. Kraine JR.	1316C-000077	6965

27572 7590 11/12/2003

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EXAMINER

BINDA, GREGORY JOHN

ART UNIT	PAPER NUMBER
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3679

8

DATE MAILED: 11/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/074,944

Applicant(s)

KRAINE ET AL.

Examiner

Greg Binda

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 8 and 9 is/are pending in the application.
- 4a) Of the above claim(s) 8 and 9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Election/Restrictions

2. Claims 8 & 9 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election of Species I (shown in Figs. 1-3) was made **without** traverse in Paper No. 5.

Drawings

3. The corrected drawings were received on Oct 10, 2003. These drawings are approved.

Claim Objections

4. Claim 1 is objected to because in line 8, the limitation, "said outer metal" should be changed to "said outer member".

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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- a. Claim 1 recites the limitation "said outer surface . . . of said elastomeric member" in line 5. There is insufficient antecedent basis for this limitation in the claim.
- b. Claim 1 recites the limitation "said end surface of said elastomeric member" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

7. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Wallace et al, US 3,369,802 (Wallace).

- a. Claim 1. Fig. 1 shows a pivot joint comprising: an inner member 20, 26 having an outer surface and an end surface generally perpendicular to the outer surface; an elastomeric member 50 disposed around the inner member, the inner member slidably engaging (see also col. 2, lines 36-38 & 49-51) the elastomeric member 50; and an outer member 12 disposed around the elastomeric member 50, the elastomeric member being fixedly secured (by the screw 54 and the cubic shape of the chamber 14) to the outer member 12, the outer member 12 having a first portion disposed opposite the outer surface of the inner member and a second portion disposed opposite to the end surface of the inner member.
- b. Claim 2. In col. 2, line 31, Wallace discloses a low friction member, silicone.
- c. Claim 3. Fig. 1 shows the inner member can rotate within the elastomeric member 50 around the axis of the inner member 20, 26.

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d. Claims 4 & 5. Figs. 1 & 2 show the pivot joint includes an axial retention member that comprises a rib 36 formed on the inner member 20, 26 disposed in a groove formed in the elastomeric member 50.

8. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Carlson, US 3,368,697.

9. Claims 1 & 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Chartet, US 3,219,305.

a. Claim 1. Fig. 1 shows a pivot joint comprising: an inner member 8, 9 having an outer surface and an end surface 12 generally perpendicular to the outer surface; an elastomeric member 11, 13 disposed around the inner member, the inner member slidably engaging (see also col. 4, lines 19 & 20) the elastomeric member 11, 13; and an outer member 3, 4 disposed around the elastomeric member 11, 13, the elastomeric member being fixedly secured (see also col. 4, lines 17 & 18) to the outer member 3, 4, the outer member 3, 4 having a first portion 3 disposed opposite the outer surface of the inner member and a second portion 4 disposed opposite to the end surface 12 of the inner member.

b. Claim 3. Fig. 1 shows the inner member can rotate within the elastomeric member 50 around the axis of the inner member 20, 26.

10. Claims 1, 3 & 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Tuck et al, US 2,553,689.

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a. Claim 1. Fig. 7 shows a pivot joint comprising: an inner member 24 having an outer surface and an end surface generally perpendicular to the outer surface; an elastomeric member L1, L2 disposed around the inner member, the inner member slidingly engaging the outer surface and the end surface of the elastomeric member; and an outer member 22 disposed around the elastomeric member, the elastomeric member being fixedly secured to the outer member 22, the outer member 22 having a first portion disposed opposite the outer surface of the inner member and a second portion disposed opposite to the end surface of the inner member.

b. Claim 3. Figs. 5-7 shows the inner member can rotate within the elastomeric member 50 around the axis of the bolt K.

c. Claim 4. Figs. 6 & 7 show the pivot joint includes an axial retention member K disposed between the inner member 24 and the elastomeric member L1, L2.

11. Claims 1 & 3-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Bajer, US 3,181,850.

d. Claim 1. Figs. 6 & 7 shows a pivot joint comprising: an inner member 32 having an outer surface and an end surface generally perpendicular to the outer surface; an elastomeric member 36 disposed around the inner member, the inner member 32 slidingly engaging the elastomeric member 36; and an outer member 25 disposed around the elastomeric member 36, the elastomeric member being fixedly secured to the outer member 25, the outer member 25 having a first portion 27 disposed opposite the outer

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surface of the inner member and a second portion 26 disposed opposite to the end surface of the inner member.

e. Claim 3. Fig. 6 shows the inner member can rotate within the elastomeric member 36 around the axis of the inner member 32.

f. Claims 4 & 5. Figs. 6 & 7 show the pivot joint includes an axial retention member that comprises a rib 34 formed on the inner member 32 disposed in a groove formed in the elastomeric member 36.

Response to Arguments

12. Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Maughan discloses in col. 5, lines 48+ a pivot joint 20 with a low friction member. Hein and Julien each show a pivot joint.

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

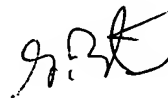
Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (703) 305-2869. The examiner can normally be reached Monday through Thursday from 9:30 am to 7:00 pm. The examiner can also be reached on alternate Fridays. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne, can be reached on (703) 308-1159. The fax phone number is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.



Greg Binda
Primary Examiner
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